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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,601	09/05/2003	Mario Festag	M&N-IT-566	7972
24131	7590	08/05/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			TRAN, DUE NGOC	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,601	<b>Applicant(s)</b> FESTAG ET AL.	
	<b>Examiner</b> Due N. Tran	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 22-32 and 36-42 is/are rejected.
- 7) ☐ Claim(s) 33-35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Note to applicant.

The current application has been captioned with 2 different serial numbers: 10/666,601 (SPEC) and 10/656,601 (LET). The correct serial number for this application is 10/656,601.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 22, 23, 24, 25, 26,27, 28, 29, 30, 31,32, 37, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumiya et al
2. With respect to claim 22, Matsumiya discloses a plug-in electronic module for plugging into a holding structure having a coupling partner with an electrical contact, the electronic module comprising: a housing (Fig.1 element 16); an electronic component configured in said housing (Fig.4 element 12); at least one external electrical contact connected to said electronic component (Fig.1 element 18), said external electrical contact configured for contacting the electrical contact on the coupling partner during a

Art Unit: 2841

(page 16, col. 4, lines 25-29); and a mechanical protective device for protecting said electrical contact from mechanical contact when the electronic module is not plugged into the holding structure, said protective device exposing said electrical contact when the electronic module is plugged into the holding structure such that said electrical contact comes into contact with the electrical contact on the coupling partner (pages 16-17, col. 4-5, lines 63-69).

3. With respect to claim 23, Matsumiya discloses the module in accordance with claim 22 wherein: said protective device includes a moving protective element configured for moving between a first position and a second position; said electrical contact is protected when said moving protective element is in said first position; said electrical contact is exposed when element is in said second position; and said moving protective said moving protective element moves from said first position to said second position when the electronic module is plugged into the holding structure (page 15, col. 1, lines 57-63).
4. With respect to claim 24, Matsumiya discloses the module in accordance with claim 23 wherein said moving protective element is displaceable relative to said housing (Fig. 13a element 78 and page 20, col. 11, lines 9-17).
5. With respect to claim 25, Matsumiya discloses the module according to claim 24 wherein said protective element is a flat protective tongue that is displaceable longitudinally relative to said housing. (Fig. 13a element 78 and page 20, col. 11, lines 9-17).

Art Unit: 2841

6. With respect to claim 26, Matsumiya discloses the module according to claim 25 with further comprising at least one spring element capable for holding said moving protective element in said first position in an unplugged state (Fig. 9b element 52); said spring element allowing said protective element to move into said second position counter to a spring force during said plug-in operation (Fig. 9a element 52); and at least part of said protective tongue having a circulatory concave profile for mechanically guiding said spring element on said protective tongue (Fig. 9a and 9b).

7. With respect to claim 27, Matsumiya discloses the module according to claim 23 with further comprising at least one spring element for holding said moving protective element in said first position in an unplugged state (Fig. 9b element 52); said spring element allowing said protective element to move into said second position counter a spring force during said plug-in operation (Fig. 9a element 52).

8. With respect to claim 28, Matsumiya discloses the module according to claim 27 wherein said spring element is formed integral with said housing (Fig. 9a and 9b element 52).

9. With respect to claim 29, Matsumiya discloses the module according to claim 27 wherein spring element is a separate part that is mounted on said housing or inserted into said housing (Fig. 9a and 9b element 52).

10. With respect to claim 30, Matsumiya discloses the module according to claim 23 wherein said moving protective element includes a stop element for mechanically contacting the coupling partner during said plug-in operation such that said moving

Art Unit: 2841

protective element is moved into said second position and said electrical contact is exposed (Fig. 9a and 9b element 50 and 44).

11. With respect to claim 31, Matsumiya discloses the module according to claim 30 wherein: said moving protective element includes an end with an angled-away part forming said stop element (Fig.9a element 58); and said angled away part is a first part of said moving protective element touched by the holding structure (Fig.9a and 9b element 50) during said plug-in operation.

12. With respect to claim 32, Matsumiya discloses the module according to claim 23 wherein said moving protective element is moveable into itself and has an end connected firmly to said housing (Fig. 9b and page 18, col.7, lines 25-29).

13. With respect to claim 37, Matsumiya discloses the module according to claim 23 wherein said moving protective element is made of an insulating material (page 20, col.11, lines 62-65).

14. With respect to claim 39, Matsumiya discloses the module according to claim 23 wherein said moving protective element is spaced apart from said electrical contact in a first position (Fig. 13a element 78).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 36, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumiya (US 6,480,390) in view of Fischer et al (US 6,857,791).

16. With respect to claims 36 and 38, Matsumiya discloses the module in accordance with claim 23 as noted above in the rejections under 35 USC 102(e), however, does not disclose expressly wherein said moving protective element is made of an electrically conductive material and wherein said moving protective element is made of a material that absorbs electromagnetic waves.

The Fischer reference, however, discloses a module having a protective element makes of an electrically conductive material (page 8, col.2, lines 9-10) or of a material that absorbs electromagnetic waves (page 8, col.2, lines 14-16).

Matsumiya and Fischer are analogous art because they are from the same field of endeavor. (A module with protective element).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide a protective element having electrically conductive material or of a material that absorbs electromagnetic waves in view teaching by Fischer.

The suggestion or motivation for doing so is taught by Fischer in col 2 lines 42-47 that that the use of these materials to reduce the interference radiation.

Therefore, it would have been obvious to combine Fischer with Matsumiya for the benefit of improving the high-frequency properties.

Art Unit: 2841

17. With respect to claim 40, Matsumiya discloses the module in accordance with claim 22 as noted above in the rejections under 35 USC 102(e), however, does not disclose expressly wherein said electronic component includes an optoelectronic transmitter, an optoelectronic receiver, or an optoelectronic transceiver.

The Fischer reference, however, discloses a module including an optoelectronic transmitter, an optoelectronic receiver, or an optoelectronic transceiver (page 8, col. 1, lines 29-30).

Matsumiya and Fischer are analogous art because they are from the same field of endeavor. (A module with protective element).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide an optoelectronic transmitter, an optoelectronic receiver, or an optoelectronic transceiver to the module of Matsumiya.

The suggestion or motivations for doing so would have been obvious for the use on an application that requires interact with light.

18. Regarding to method claims 41-42, one skill in the art would necessarily perform the recited method steps in connecting the electronic module to a holding structure rejected above.

### ***Allowable Subject Matter***

19. Claims 33-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



Art Unit: 2841

20. The following is a statement of reasons for the indication of allowable subjected matter:

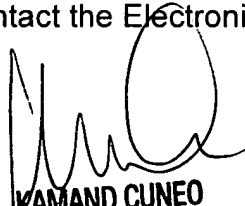
The primary reason for indicating allowable subject matter is that there is simply no suggestion in the prior art that describes the moving protective element can be folded during said plug-in operation to expose said electrical contact.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Due N. Tran whose telephone number is (571) 272-5984. The examiner can normally be reached on Monday-Thursday, 9:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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SUPERVISORY PATENT EXAMINER  
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